

**ORIGINAL**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

2 to court  
w/propo

JAMES P. ROXBURY, : CIVIL NO. 1:CV-01-1142  
Plaintiff :  
vs. :  
JAMES B. FREED, his heirs, :  
legatees, executors, :  
administrators and assigns, and :  
JAMES W. FREED, STEVEN F. FREED, :  
NICHOLAS J. FREED, MARY S. FREED :  
GARY M. FREED also known as GARY :  
M. FRIED, CHRISTINA L. WALKER, :  
DOUGLAS L. WOLFE, their heirs, :  
executors, administrators and :  
assigns, and the UNITED STATES :  
OF AMERICA, :  
Defendants :

**FILED  
HARRISBURG**

FEB 28 2002

MARY E. D'ANDREA, CLERK  
Per *[Signature]*  
DEPUTY CLERKMOTION FOR DISMISSAL OF A PARTY DEFENDANT PURSUANT TO F.R.C.P. 41

TO THE HONORABLE SYLVIA H. RAMBO, JUDGE:

The Motion of Plaintiff James P. Roxbury by and through his attorney, Norman M. Yoffe, Esquire, respectfully represents:

1. That the United States of America (USA) is a party Defendant in this case, having been served with a summons and the complaint.

2. That Plaintiff desire to drop the USA as a party Defendant.

3. That attached hereto as Exhibit "A" is an acquiescence in this motion from the USA.

WHEREFORE, Plaintiff requests the Court to enter the dismissal pursuant to Rule 41 of the F.R.C.P.

YOFFE &amp; YOFFE, P.C.

By *[Signature]*

NORMAN M. YOFFE, ESQUIRE  
Attorney for James P. Roxbury  
214 Senate Avenue, Suite 203  
Camp Hill, PA 17011  
(717) 975-1838  
Attorney ID No. 07135

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES P. ROXBURY,

Plaintiff

: CIVIL NO. 1:CV-01-1142

VB.

JAMES B. FREED, his heirs,  
legatees, executors,  
administrators and assigns, and  
JAMES W. FREED, STEVEN F. FREED,  
NICHOLAS J. FREED, MARY S. FREED  
GARY M. FREED also known as GARY  
M. FRIED, CHRISTINA L. WALKER,  
DOUGLAS L. WOLFE, their heirs,  
executors, administrators and  
assigns, and the UNITED STATES  
OF AMERICA,

Defendants

ACQUIESCENCE OF DEFENDANT UNITED STATES OF AMERICA

The undersigned hereby acquiesces in the foregoing Motion of Plaintiff to dismiss said party as a Defendant in this case.

MARTIN C. CARLSON  
United States Attorney

By D. Brian Simpson  
D. BRIAN SIMPSON  
Trial Attorney  
U.S. Department of Justice  
P.O. Box 227  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 514-9641

EXHIBIT "A"